UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re: Naseem Akhtar

Case No. 04-21354
Chapter 7

SS# xxx-xx-4275

Debtor.
________________________________/

Yash Raj Films (USA) Inc.,

Plaintiffs,

COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT

vs.

Naseem Akhtar

Defendant.
________________________________/

Plaintiffs, by their attorneys, Poppe & Bhouraskar, LLP, complaining of defendant herein, allege as follows:

1. Plaintiffs bring this Adversary Proceeding in connection with In Re Naseem Akhtar, now pending in this Court under Chapter 7 of Title 11, Case No. 04-21354-ess. This adversary proceeding arises under the Copyright Act of the United States [17 U.S.C. § 101, et seq.] (the "Copyright Act"). The Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 157 & 1338 (a) and 11 U.S.C. § 523. This adversary proceeding is a core proceeding under 28 U.S.C. § 157 (b) (2) (I).

2. Plaintiffs Yash Raj Films (USA) Inc. ("Yash Raj" or "Plaintiff"), is a corporation engaged in the business of publishing, licensing and otherwise marketing and exploiting motion pictures to which it owns the copyright and/or exclusive rights under copyright.

3. At all times relevant herein, Plaintiff is and continues to be the owner of the respective copyrights and/or exclusive rights under the Copyright Act to the copyrighted motion pictures (collectively, "Plaintiff's Films") listed in Column I in Exhibit "A". (All references to "Columns" are to columns in Exhibit "A").

4. Plaintiff secured copyright protection in and to Plaintiff's Films, and from the United States Register of Copyrights received a Certificate of Copyright Registration for each of Plaintiff's Films. The respective dates and identification numbers of the Certificates of Registration for each of Plaintiff's Films are identified in Columns II and III respectively.

5. At all times relevant, Plaintiff has duly complied with all pertinent provisions of the Copyright Act and all laws governing copyright with respect to Plaintiff's Films, and distributed Plaintiff's Films with Plaintiff's statutory copyright notice displayed on each copy of Plaintiff's Films, as well as its respective artwork and packaging.

6. Naseem Akhtar ("Akhtar") engaged in the business of the retail sale, unauthorized transport, distribution and display of unauthorized VHS cassettes and digital versatile discs ("DVDs") embodying recorded performances of, among other things, unauthorized copies of Plaintiff's Films (collectively the "Infringing Products").

7. At all times relevant, Akhtar was and continues to be the guiding force and the person causing and directing the infringing acts and omissions described herein.

8. At all times relevant herein, Akhtar was the sole shareholder, director, officer and beneficial owner of Bobby Music & Sporting Goods, Inc. ("Bobby Music"), a corporation formed under the laws of the state of New York.

9. At all times relevant herein, Akhtar knowingly, willfully and maliciously manufactured, marketed, distributed, transported and sold unauthorized, infringing copies of Plaintiff's Films to the public via the retail store commonly known as, and operated under the name Bobby Music, which Akhtar controlled.

10. Within the three years prior to the filing of this complaint, Akhtar has willfully, knowingly and maliciously engaged in the unauthorized transport, distribution and display for sale of unauthorized, counterfeit copies of the Infringing Products, caused the illegal manufacturing and marketing of the Infringing Products and has caused the distribution and sale of the Infringing Products at among other locations, his two "Bobby Music" retail stores.

11. Akhtar has made and/or distributed or caused the making and/or distribution of the Infringing Products without the authority of Plaintiff or any agent authorized to act on Plaintiff's behalf.

11. The acts and omissions of Akhtar as set forth in the foregoing paragraphs of this complaint are willful, malicious and intentional acts of copyright infringement by Akhtar with respect to the copyrights held by Plaintiff in and to Plaintiff's Films.

12. At all times relevant herein, Akhtar had knowledge of the requirements of the Copyright Act and knew that Plaintiff held the copyrights in and to Plaintiff's Films; and, by Akhtar's acts of copyright infringement, Akhtar has willfully, intentionally and maliciously caused injury to Plaintiff's property.

WHEREFORE, Plaintiff prays for relief as follows;

A. That this Court determine that Plaintiff's claims by virtue of Akhtar's willful, intentional and malicious infringements of Plaintiff's copyrights are nondischargeable.

B. That Akhtar be required to pay Plaintiff the costs and disbursements of this action, including but not limited to Plaintiff's reasonably attorneys fees and disbursements.

C. That Plaintiff has such other and further relief as the Court deems just and proper.

DATED: New York, New York
November 10, 2004

POPPE & BHOURASKAR, LLP

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